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SENATE

REPORT
No. 1882

MARGIT STOLZ BOHM AND KLAUS SEIGFRIED BOHM

JUNE 27, 1952.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2125]

The Committee on the Judiciary, to which was referred the bill (S. 2125) for the relief of Margit Stolz Bohm and Klaus Seigfried Bohm, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant a waiver of the excluding provision of existing law relating to the commission of a crime involving moral turpitude in behalf of the wife of Sgt. (1st cl.) Denzil Ray Bohm, a United States citizen. The bill would also grant nonquota status to the minor step-child of Sergeant Bohm, which is the status normally enjoyed by the alien minor children of citizens of the United States.

STATEMENT OF FACTS

The beneficiaries of the bill are mother and son and they are 26- and 5-year-old natives and citizens of Germany. The mother was married in Germany on October 21, 1950, to Sgt. Denzil Ray Bohm, a citizen of the United States presently stationed with our Armed Forces at Fort Meade, Md. The minor beneficiary of the bill is the child of Sergeant Bohm's wife. Mrs. Bohm was convicted in Germany on June 28, 1948, for stamping her registration card in an illegal manner. Without the waiver provided for in the bill Mrs. Bohm and her child will be unable to enter the United States to join Sergeant Bohm.

A letter, with attached memorandum, dated May 29, 1952, to the chairman of the Senate Committee on the Judiciary from the Deputy Attorney General with reference to the case reads as follows:

MAY 29, 1952.

Hon. PAT McCARRAN,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

MY DEAR SENATOR: This is in response to your request for the views of the Department of Justice relative to the bill (S. 2125) for the relief of Margit Frieda Bohm and Klaus Seigfried Bohm, aliens. The bill would waive, with respect to Margit Stolz Bohm, the excluding provisions of the immigration laws relating to the commission of a felony or other crime or misdemeanor involving moral turpitude, and would enable her to enter the United States for permanent residence. The bill would also enable Klaus Seigfried Bohm to acquire the status of a non-quota immigrant.

There is attached a memorandum prepared by the Immigration and Naturalization Service of this Department setting forth the facts in the case.

Whether, under the circumstances in this case, the general provisions of the immigration laws should be waived presents a question of legislative policy concerning which this Department prefers not to make a recommendation.

Sincerely,

A. DEVITT VANECH,
Deputy Attorney General.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MARGIT FRIEDA BOHM AND KLAUS SEIGFRIED BOHM, BENEFICIARIES OF S. 2125

The aliens are mother and son, natives and citizens of Germany, who were born on June 6, 1926, and February 10, 1947, respectively. They have never been in the United States and are presently residing in Bamberg, Germany.

Information concerning the aliens was furnished by their husband-adoptive father, Sgt. Denzil R. Bohm, a native-born citizen of the United States and a member of the Armed Forces of this country presently stationed at Fort Meade, Md.

Sergeant Bohm was born in Havana, Ill., on March 20, 1916. In 1941, he was drafted into the United States Army and served overseas, first in Iceland and then in France where he was engaged in active combat duty with the Twenty-sixth Infantry Division. He was honorably discharged from the United States Army on September 29, 1945. On October 16, 1947, he reenlisted in the United States Army at Fort Sheridan, Ill., and shortly thereafter was sent to Bamberg, Germany, where he met his present wife whom he married there on October 21, 1950. They have no children of their marriage. Klaus Seigfried Bohm, the minor beneficiary of the instant bill, is the child of Sergeant Bohm's wife. Sergeant Bohm stated that he legally adopted the child during November 1950, in the Civil Court of Bamberg, Germany.

Sergeant Bohm stated that he was stationed in Bamberg until May 1951, when he returned to the United States where he has been since, except from December 18, 1951, to January 24, 1952, when he got morale leave and the United States Army flew him over to Germany and return. While there he visited his wife and child. Sergeant Bohm stated that he has supported his wife and child since 1948. He stated that his wife's parents never resided in the United States, that her father resides in Germany, and that her mother is deceased. He stated that his wife received a high-school education and 1 year of college, and speaks English, German, and Polish, and that she reads and writes German and English. He stated that the only organization to which his wife ever belonged was some Hitler Youth Organization, to which every German youth had to belong, and that the age of his wife while a member of that organization are unknown to him.

Sergeant Bohm further stated that his wife was arrested one time in Bamberg, Germany. He stated that about April 1948, prior to their marriage, they were living together as man and wife in Bamberg, Germany, at which time she illegally used a stamp bearing the name Lager Barenbrau in order to attempt to procure food ration stamps; that she put this stamp on her arbeits card (a working card), but she was not working; that everybody had a working card but that unless the card was stamped, it would be of no use in procuring ration stamps; that she took the arbeits card to the ration board in Bamberg about April 1948, and asked for ration stamps; that an official of the ration board knew, however, that she was not working and that she was not entitled to ration stamps. He stated that his wife acknowledged that she had put this stamp on herself;

that nothing was heard of it for 2 months when a policeman came with a summons for his wife to appear in the civil court in Bamberg to answer the charge of forgery, as a result of the use of this stamp by her. Sergeant Bohm stated that all she had used was a rubber stamp bearing the name of Lager Barenbrau and the name of a Mr. Umlauf, and that as far as he knows all she did was to use such rubber stamp and that she did not sign anyone's name. He stated that she never appeared in court in accordance with the summons served on her about June 1948, but that she was fined 10 Reichsmarks, which was equivalent to about 8 cents in American money, and was given a suspended sentence of 2 weeks in jail. He continued that he paid the fine for her; that she was placed on probation for 1 year and later was given a clearance by the civil court in Bamberg, Germany. He stated that she was not required to report to anyone during her probation. He added that had she been successful in obtaining the food ration stamps she would have gotten only 2 pounds of pork; that they were going to have some friends for dinner on a Sunday and that she tried to get the stamps on a Saturday so that they could have the meat for Sunday dinner.

The records of the inferior court at Bamberg, Germany, show that prior to her marriage to Sergeant Bohm, Margit Stolz was convicted on June 28, 1948, for stamping her registration card with the stamp "Larger Barenbrau" for the ration periods 109, 110, and 111, and for putting the name of a store manager "Umlauf" for period 109 on said card, in an attempt to procure German food ration stamps in violation of par. 267 of the German Criminal Code (falsification of official documents). She was also convicted for failing to register with the labor office as unemployed. She was sentenced to imprisonment of 2 weeks on each count, the concurrent term not to exceed 3 weeks, and to pay costs. She was granted suspension of the sentence until January 1, 1950, on condition of good behavior. A decision of the inferior court dated March 23, 1950, reads: "the sentence to imprisonment passed by the Inferior Court in Bamberg on 28 June 1948 as well as the costs are hereby remitted in accordance with paragraphs 1 and 2, Law governing exemptions from punishment dated 31 December 1949."

Sergeant Bohm stated that when his wife applied for a visa the American consul at Munich, Germany, informed her that he could not issue a visa to her as she had been convicted of a crime involving moral turpitude, forgery, because of the incident in connection with the ration stamp. The eleventh category of section 3 of the Immigration Act of February 5, 1917, excludes from admission to the United States "persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude."

As heretofore stated, Sergeant Bohm is presently stationed at Fort Meade, Md. He draws a base pay of \$192.10 a month plus class Q allotment of \$67.50 per month plus ration money of \$36. He stated that his wife and child would make their home with him when they come to the United States and that his earnings as a sergeant first class in the United States Army will be more than sufficient to take care of their living expenses. He stated that he has \$300 set aside to bring his wife and child to this country. The child is chargeable to the German quota which is oversubscribed and a visa is not readily obtainable.

Senator Paul Douglas, the author of the bill, has submitted to the Senate Committee on the Judiciary a copy of the German court record in the case of Mrs. Bohm, which record is contained in the files of the Senate Committee on the Judiciary.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2125) should be enacted.

that nothing was heard of it for 2 months when a policeman came with a woman for her wife to appear in the civil court in Bamberg to answer the charges of adultery as a result of the use of this stamp by her. Maurice Bohm stated that it was not a rubber stamp bearing the name of Klaus Enriched Bohm and that the name of a Mr. Lutz and that as far as he knows all the bills were issued with rubber stamps and that she did not see anyone's name. He stated that she never appeared in court in connection with the charges served on her about June 1942 but that she was fined 10 Reichsmarks which was equivalent to about 2 cents in American money, and was given a suspended sentence of 2 weeks in jail. He continued that he read the file for her that she was fined on probation for 1 year and later was given a clearance by the civil court in Bamberg (Germany). He stated that she was not permitted to report on anyone during her probation. He added that had she been successful in obtaining the food ration stamps she would have gotten only 2 pounds of pork, that she was going to have some tickets for liquor on a Friday, and that she tried to get the stamps on a Saturday so that they could have clearance for Sunday dinner.

The records of the infirmary camp at Bamberg, Germany, show that prior to her marriage to Klaus Bohm, Maurice Bohm was employed on June 22, 1942, for 2 months for transportation work with the transport "Lager Bamberg" for the periods 109, 110, and 111, and for putting the name of a store manager, "Lager", for period 109 on and ready to an attempt to procure German food ration stamps in violation of par. 267 of the German Criminal Code (violation of official documents). She was also confined for failure to report with the labor office as required. She was sentenced to imprisonment of 2 weeks on each count, the longest term not to exceed 3 weeks, and to pay costs. She was retained in possession of the stamps until January 1, 1950, on condition of good behavior. A decision of the infirmary court dated March 28, 1950, reads: "The defendant was apprehended by the infirmary court in Bamberg on 22 June 1942 as well as the case, the charges remained in accordance with paragraphs 1 and 2, Law regarding convictions from imprisonment dated 31 December 1939."

Maurice Bohm stated that when his wife applied for a visa the American consul at Munich, Germany, advised her that he could not issue a visa to her because she had been convicted of a crime involving moral turpitude, felony, because of the husband in connection with the ration stamps. The obvious intention of section 2 of the Immigration Act of February 5, 1917, excludes from admission to the United States persons who have been convicted of or about having committed a felony or other crime of moral turpitude involving moral turpitude.

The developer stated that Maurice Bohm is presently stationed at Fort Meade, Md. He has a base pay of \$192 for a month and a class G allotment of \$67.50 per month (base pay of \$26). He stated that his wife and child would only come home with him when they come to the United States and that he would be a permanent first class in the United States Army will be more than sufficient to take care of their living expenses. He stated that he has \$200 in cash to give his wife and child to his country. The child is eligible for German money which is overpaid and a visa is not readily obtainable.

Senator Paul Douglas, the author of the bill, has submitted to the Senate Committee on the Judiciary a copy of the German court record in the case of Mrs. Bohm, which record is contained in the files of the Senate Committee on the Judiciary.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2125) should be enacted.

